

Contacts: 15
Calls: 12

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Outs: 7

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 13 December 1974

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[redacted]

Contacted staff members at the House and Senate Government Operations Committees and was advised that the latest committee draft of the compromise bill on right of privacy had not yet been prepared. Later in the day, Frank Reeder, OMB, called and said copies will be available for distribution tomorrow morning.

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2. [redacted] Received a call from Scott Cohen, in the office of Senator Charles Percy, who said they would like to change the time of the Percy briefing on the Middle East situation including oil from 9:00 until 2:00 on the 18th of December. I told Cohen this was agreeable to us.

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3. [redacted] During the course of the day, Messrs. Cary [redacted] were in touch with Chairman Morgan (by note), Representatives Zablocki and Frelinghuysen, Senator Sparkman (through Dennis Neal of AID) and the Director was in touch with Senator Humphrey. We also talked to Everett Bierman, Minority Staff of House Foreign Affairs Committee, Mr. Jack Brady, Majority Staff of Foreign Affairs Committee, and with the staffs of our CIA Subcommittees, to develop a position with respect to the Foreign Assistance Act--particularly the sections in the Senate and House versions of the bill dealing with reports to the Congress on covert activities. (See [redacted] Memo for Record.)

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4. [redacted] We learned later in the afternoon that the conferees on the Foreign Assistance legislation had accepted the House version of the section (section 27) on covert activities. We were also advised that the conferees had decided not to place any additional language in the bill on the subject of maintaining the security of the information involved. In conversation with Mr. Frelinghuysen, I urged that he make an effort to get some language in the conference report regarding the sensitivity of the material and also some language which would indicate that it was not the intent of the legislation to terminate existing covert action programs. In other words sufficient time would be given for the Presidential findings to be made and the furnishing of appropriate reports to the congressional committees. Mr. Frelinghuysen said he would make every effort to do so. We also learned that there were still several problem areas in the conference on this legislation, especially the sections pertaining to the ceiling on aid to Cambodia and funds for Turkey.

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5.

I placed calls to Guy McConnell, Senate Appropriations Committee staff, and Ralph Preston, House Appropriations Committee staff, to discuss the possibility that the Foreign Assistance bill might fail in either the House or the Senate and then a continuing resolution would be brought before the Congress. Preston said that, in fact, the full Committee was meeting this afternoon to mark up such a resolution. I asked if the staffers thought it would be useful in thwarting an effort to attach a "covert activities provision" to the continuing resolution if the Director sent a letter to the Chairmen of the two Committees stating his concern about the security of information involved and urging that this matter be delayed at least until the next Congress. Both staffers felt a letter would be desirable if action is taken on a continuing resolution. McConnell suggested that we wait and see what happens on the Foreign Assistance bill first, but Preston thought it would be useful to have a letter ready at a moment's notice in case it was needed. We have drafted a letter and will make such revisions as are necessary as the situation develops.

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6. [redacted] ADVISED [redacted] DDS&T, of Chairman Lucien N. Nedzi's, Special Subcommittee on Intelligence, House Armed Services Committee, views with respect to the inquiry of Representative Thomas Rees (D., Calif.). [redacted] said that the matter will be handled completely consistent therewith and that as a matter of fact the firm in question has determined on their own, without reference to our considerations, that their response will be limited.

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7. [redacted] Called Jim Oliver, OMB, and he agreed to alert all necessary points within OMB to assure that the views of the Director are requested when and if the Foreign Assistance Act amendments are enrolled. I explained that the Director may wish to recommend to the President a statement on the provision limiting intelligence activities to be made at the time of signing.

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8. [redacted] In an attempt to obtain developments within the conference committee on the Foreign Assistance Act, called Bill Esponisa, OGC/AID, who reported that the conferees had differed on difficult questions, including the provision limiting intelligence activities until they had resolved the easier problems. As a result of the discussion, I got the impression that the resolve of Administration representatives in direct contact with the conferees was waning in support of our position including the fact that Jim Michaels, State Department, on Saturday had indicated he did not think there was any substantial difference between the Senate and House versions of the provision limiting intelligence activities.

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9.

Frank Reeder, OMB, called late Friday to report that language for a compromise privacy bill would be available in his office at about 7:20 this evening, and there no doubt would be revised language available first thing Monday morning. Reeder said they needed views of Executive agencies early Monday in connection with the plan to introduce a clean bill on Tuesday for congressional action before Congress adjourns. [] was alerted and arrangements were made through [] OGC, to have [] assist [] over the weekend to review this complicated piece of legislation in the interest of assuring that our equities are protected.

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10. [] At the request of Mr. Pforzheimer, spoke with Murray Simons of the British Embassy, and reviewed with him a number of the factors and considerations which must be borne in mind in evaluating the impact of the recent Freedom of Information Act amendments, including the possibility of an early court test of the constitutionality of the courts breaking an executive security classification.

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11. [] Met separately with Frank Slatinshek, Chief Counsel, House Armed Services Committee; Ralph Preston, House Appropriations Committee staff; and Guy McConnell, Senate Appropriations Committee staff, and reviewed with them the matter set forth in the cable, [] of 25 November 1974 concerning a GAO team investigation of []. Each of our committee staff persons was equally emphatic that Agency operations and the relations [] are no business of the General Accounting Office.

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12. [] Met with William H. Hogan, Counsel, Intelligence Subcommittee, House Armed Services Committee, and delivered to him the Huston transcript of 9 July 1974. In keeping with the suggestion of James Angleton, C/CI, I recommended to Hogan that the transcript be forwarded to NSA for their review, since various NSA procedures are discussed in the transcript. In response to his question, I suggested that Hogan might contact the []. Hogan appreciated the Agency's suggestion.

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13. [] Delivered to Representative Clement J. Zablocki (D., Wis.) a copy of the China Atlas which he had requested.

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14. [REDACTED] Met with Frank Slatinshek, Chief Counsel, House Armed Services Committee, and reviewed with him the memorandum for the record for the Intelligence Subcommittee briefing of 25 November 1974 and the Committee procedures we utilized with regard to the memorandum for the record. Slatinshek asked that I check the details of this particular memorandum with Hogan, since he (Slatinshek) had not been present at the briefing. The blind memorandum form is exactly what is desired, and the copy to be retained by the Committee should not be signed. This copy will be retained in a "personal" file maintained by Slatinshek as Chief Counsel.

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15. [REDACTED] Met with Ralph Preston, House Appropriations Committee staff, and delivered to him copies of the Frey letter of 14 November 1974, Stennis letter of 3 December 1974 and the draft proposed letter for Senator John L. McClellan (D., Ark.) and Representative George H. Mahon (D., Texas) in the event the Foreign Assistance Act is passed in its present form. Preston appreciated the background information, as he was on his way to a meeting with Chairman Mahon prior to meeting with the full Committee on a continuing resolution which will include Foreign Assistance Act monies.

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16. [REDACTED] Stopped by the office of Senator Edward J. Gurney (R., Fla.) and left with the receptionist a copy of the State of the Nation speech by Philippine president Ferdinand Marcos on 11 December. Adam Stolpen, of the staff, had called and requested a copy.

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[REDACTED]

STATSPEC

18. (Internal Use Only - RJK) Received a call from Mr. Livingston, House Internal Security Committee staff, who requested that we cancel [REDACTED]

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Legislative Counsel